IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 13178 of 2005

Between:

Karri Krishna Reddy, S/o.Late Somi Reddy, Area Hospital, R/o.Kotwala Complex, Tadepalligudem, W.G.district

..... PETITIONER

AND

1 The Principal Secretary to Government, Medical & Family Welfare (C1) Department, Secretariat, Hyderabad.
2 The Commissioner, A.P.Vaidya Vidhana Parishad, Sultan Bazar, Hyderabad.
3 The District Co-Ordinator of Hospital Services, District Hospital, Eluru, W.G.district
4 The Medical Superintendent, Area Hospital, Tadepalligudem, West Godavari district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction specially one in the nature of writ of mandamus declaring the action of the respondent in not paying the enhanced diet charges as per G.O.Ms.No.255, Health, Medical and Family Welfare (C1) Department dt.20-6-2003 is illegal, arbitrary and against the law laid down by this Hon'ble Court in W.A.No.280 of 2000 and batch and consequently, direct the respondents to pay the diet charges as per g.O.Ms.No.255 Health, Medical and Family Welfare (C1) Department dt.20-6-2003 from 20-6-2003 and pass such other order or orders.

Counsel for the Petitioner : MR.S.SUBBA REDDY

Counsel for the Respondent No.1: GP for Medical and Health.

Counsel for the Respondent Nos.2 to 4: MR S.A.WAHEED SHABBAZ

The Court made the following :

ORDER:

This writ petition is filed by the petitioner seeking a *Mandamus* to declare the action of the respondents in not paying the enhanced diet charges as per the orders in G.O.Ms.No.255, Health, Medical and Family Welfare (C1) Department, dated 20.06.2003, as illegal, arbitrary and against the law laid down by this Court in Writ Appeal No.280 of 2000 and batch, and consequently, sought for a direction to the respondents to pay the diet charges as fixed in the Government Order, being G.O.Ms.No.255,
dated 20.06.2003.

According to the petitioner, he is one of the contractors for supplying diet to the in-patients and Medical Officers in the Area Hospital, Tadepalligudem. It is stated that after formation of the A.P. Vaidya Vidhana Parishad, the hospitals are under the control of the
2nd respondent. It is stated that originally the rates for supply of diet were fixed in the year 1983. As the price fixed was very low, compared to the price of commodities in the market, the contractors from various hospitals made representations to the authorities, and after consideration of the said representations, the 2nd respondent recommended their case to the Government for enhancement of rates. Thereupon, G.O.Ms.No.257, dated 31.05.1995, was issued enhancing the diet rates from Rs.5/- to Rs.10/-, per day, for general patients. As the said order was not implemented, the contractors were constrained to approach this Court by filing W.P.No.2458 of 1997 and batch, which were allowed on 13.11.1999. The said order was assailed in writ appeals and they were dismissed on 19.07.2001. It is only thereafter the respondents implemented the said G.O. and paid the enhanced rates.

Due to the steep hike in the prices of the commodities, the contractors' Association again re-presented the matter to the
2nd respondent for enhancement of the rates, and on the recommendation of the 2nd respondent, the Government issued G.O.Ms.No.255, dated 20.06.2003, enhancing

the diet charges from Rs.10/- to Rs.15/- to the general patients and Rs.15/- to Rs.20/- to T.B. patients in respect of the hospitals under the control of the 2nd respondent. By a separate order, *vide* G.O.Ms.No.116, dated 25.03.2000, the diet charges to the Medical Officers were enhanced from Rs.20/- to Rs.40/-. It is stated that after the issuance of G.O.Ms.Nos.255 and 116, the contractors were asked to supply the diet as per the norms enumerated in the said G.Os., and they are accordingly supplying the diet. However, it is stated that with reference to G.O.Ms.No.116, the respondents are paying the enhanced rates, but with reference to G.O.Ms.No.255, the respondents are not paying the enhanced rates. Therefore, some of the contractors earlier filed W.P.Nos.15124, 15233, 15261, 15333 and 15360 of 2004. All the above writ petitions were disposed of by this Court directing the respondents to implement the rates prescribed in G.O.Ms.No.255. But however, as the respondents have not implemented the said G.O., with reference to the petitioner, who was not a party in the earlier writ petitions, he has come up with the present writ petition.

The grievance of the petitioner is that the respondents are not paying the enhanced diet charges though the Government has issued orders in G.O.Ms.No.255, dated 20.06.2003.

Heard both sides and considered the material on record.

At the time of hearing, it is represented by the learned counsel for the petitioner that similarly placed contractors have filed writ petitions, referred to above, seeking implementation of the enhanced rates fixed in the above G.O. and this Court even passed orders directing the respondents to implement the rates fixed in the said G.O. and pay the enhanced rates.

On the other hand, learned counsel appearing for the respondents 2 to 4 stated that the contractors have to supply their diet as per the norms fixed in the G.O. Therefore, unless the norms are followed, they are not entitled for the payment at the enhanced rate.

Since the petitioner is similarly placed as in other writ petitioners, the respondents are directed to pay the enhanced diet charges as prescribed in G.O.Ms.No.255, dated 20.06.2003. The amount payable by the respondents is directed to be worked out and shall pay the same to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order and also continue to pay

for future supplies also.

The writ petition is accordingly disposed of. No order as to costs.

_____

S.ANANDA REDDY , J

Dated:04.07.2005

Note:

Furnish copy in one week.

(B/o) GJ

To

1 The Principal Secretary to Government, Medical & Family Welfare (C1) Department, Secretariat, Hyderabad.
2 The Commissioner, A.P.Vaidya Vidhana Parishad, Sultan Bazar, Hyderabad.
3 The District Co-Ordinator of Hospital Services, District Hospital, Eluru, W.G.district
4 The Medical Superintendent, Area Hospital, Tadepalligudem, West Godavari district.

5. Two C.D. copies.

6. Two C.Cs. to the Government Pleader for Medical and Helath, High Court Buildings, Hyderabad. (O.U.T.)